

## EDMOND PLANNING COMMISSION MEETING

**Tuesday, August 2, 2005**

**5:30 P.M.**

The Edmond Planning Commission Meeting was called to order by Chairperson Leroy Cartwright at 5:30 p.m., Tuesday, August 2, 2005, in the City Council Chambers at 20 South Littler. Other members present were Bill Moyer, Suzy Thrash, Barry K. Moore and Elizabeth Waner. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, Assistant City Planner; Jan Ramseyer-Fees, Assistant City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney. The first item on the agenda was the approval of the July 19, 2005, Planning Commission minutes.

Motion by Moyer, seconded by Moore, to approve the minutes as written. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moyer, Moore, Thrash, Waner and Chairperson Cartwright

NAYS: None

The next item on the agenda was **Case #PR030020 Consideration of Final Plat approval for Fox Lake Plaza located north of 15<sup>th</sup> west of I-35. (Frank Battle)**

Frank Battle is requesting approval of a 55 acre (6 commercial lot and 2 common area lots) plat located primarily south of Fox Lake Lane on the west side of I-35. The Wal-Mart Supercenter is planned to the south and has been platted and site plan approved. A building permit has also been issued for the Wal-Mart Supercenter. This final plat provides for some street improvements and right-of-way to create the turn around near the Fox Lake pool and entry to the addition. Common Area A includes Fox Lake. Common Area B includes some open space which is floodplain near the entrance to the Fox Lake Addition. Lots 1–4 Block 1 and Lot 1 Block 2 are the pad sites for this project. “Limits of no access” needs to be placed along Fox Lake Lane since there is no driveway allowed through the 100 foot buffer area along the south side of that street. The entrances to the center are from the I-35 Frontage Road and the interconnection with the Wal-Mart project. Sanitary sewer and water are being extended to serve each lot. Drainage/detention plans have been approved. The underground filtration plan is part of the drainage/ detention plans for this project. Dirt removed from the Wal-Mart site will be stored on this property. Trees will be removed as a part of the subdivision except for the preservation tree areas discussed with the site plan. The retaining walls and sound walls are also one of the first improvements that will be required on the overall site.

No one appeared in opposition.

Motion by Moore, seconded by Waner, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moore, Waner, Thrash, Moyer and Chairperson Cartwright

NAYS: None

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The next item on the agenda was **Case #PR050011 Public Hearing and Consideration of Preliminary Plat for Fountains Residential located west of Fretz, 1/8<sup>th</sup> mile south of West Edmond Road. (Oxford Development Corporation)**

Brian Stinson is requesting plat approval for 52 apartment units located in 11 buildings along a private driveway just south of the Fountains Business Park. The apartments will be two-story and will be served with a water main and fire hydrants and a common access drive west of Fretz. There will be two entry/exit drives along Fretz and the developer plans the masonry fence just inside the property line like the one constructed at the Fountains Business Park. The plat provides for several variances that have previously been approved in the E1 Special Use Permit site plan. Building #7 will be 7 feet from the property line on Fretz and building #11 will be 15 feet from the property line on Fretz. However, the majority of the property on Fretz is open space or landscaping. The detention area is located in the northwest corner of the property. 132 parking spaces are provided, the minimum would be a 104 that is required; the Planning Commission usually likes extra for guest parking in apartment projects. This apartment developer will need to maintain the detention area, the common access drive/fire lane, utility easement, landscaped areas and wall along Fretz. The City Council approved a sight proof fence along the entire south property line and that will need to be constructed as a part of this project.

Commissioner Waner asked if the word private street be removed since the access is a driveway. The applicant agreed to change the plat. Commissioner Waner indicated they were over in parking spaces but that could be acceptable since there might be the need for guest parking.

Motion by Thrash, seconded by Moyer, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Thrash, Moyer, Moore, Waner and Chairperson Cartwright

NAYS: None

The next item on the agenda was **Case #PR050011 Public Hearing and Consideration of Final Plat for Fountains Residential located west of Fretz, 1/8<sup>th</sup> mile south of West Edmond Road. (Oxford Development Corporation)**

Developer Brian Stinson is requesting approval of a 5.03-acre final plat for an apartment development west of 6<sup>th</sup> and 7<sup>th</sup> streets, south of the Fountains Business Park at west Edmond road and Fretz Avenue. The project will contain 52 apartments. The access loop through the project, with two entrances/exits on Fretz, is not intended to be a public street, it is simply a driveway and fire lane common to all apartment complexes. 37 feet of additional right of way is proposed along Fretz, the final plat identifies the right of way as "proposed right of way"; this will need to be identified as dedicated right of way, not proposed. The interior public easement for access and utilities is 78 feet wide where

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there is parking provided in front of the future buildings. Set back lines are not shown on the plat, which is appropriate since the project is a PUD and has been approved with a Special Use Permit for the apartment project. The staff does recommend that the word "Private Street" be removed from the plat. All of the improvements within this plat, consisting of detention, landscaping, the required masonry wall, the common fire lane drive/driveway, and the sanitary sewer lines will be maintained by the developer as private improvements. A waterline will be extended through the looped driveway and is a public improvement since it contains fire hydrants. The addition contains one lot and one block.

Motion by Thrash, seconded by Moyer, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Thrash, Moyer, Moore, Waner and Chairperson Cartwright  
 NAYS: None

The next item on the agenda was **Case #SP050023 Public Hearing and Consideration of Commercial Site Plan approval for Freddy’s Frozen Custard on the north side of East Second Street, one-quarter mile east of Bryant. (RKS Ventures, Inc.)**

General Site Criteria:

Existing zoning – “E-1” General Commercial

Setbacks – the setback from the center line of Second Street is 145 feet, the setback from the west property line is 25 feet, from the east property line is 45 feet and from the north property line is 190 feet.

Height of building – 33.5 feet to the highest point of the building

Parking – 66 spaces, a minimum of 37 parking spaces are needed for the seating or square footage and another 25 spaces for employees for a total of 62 spaces. Some of the spaces may need to be removed as excess parking.

Lot size – 61,035 square feet; the building size is 3,723 square feet.

1. Landscape Plan

Landscaping - <u>Lot area = 61,0350 sf</u>	<u>Landscape provided on plans submitted</u>
Ten per cent of lot = 6,104 sf	6,105 sf landscaping/lawn area
Plant units required = 488 plant units	507.5 plant units
Required in front yard = 3,052 sf, 244.5	3,502 sf in front yard, 259.5 plant units
Evergreen required = 195 plant units	275 plant units

- A letter of permission to plant in the easement across the front part of the property from the owner of the gas line easement will have to be provided before landscaping can be done. This is important especially for planting trees in this area.
- We recommend that they group all the sycamore trees together and group all the slash pines together in the back of the property. If they are planted as shown on the plan, the sycamores will eventually shade out the slash pines.

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- The tree preservation zone (tpz) shown on the plan will have to be increased in size. The tpz shown on the plan is not large enough for proper tree preservation to be conducted.
2. Lighting Plan – The light poles are 20 feet in height and wall packs will be placed on the building.
  3. Driveways/Parking – The one drive approach is proposed on the east side of the building 20 foot in width.
  4. Mechanical equipment – The roof of the building is flat and the mechanical will be located on the roof. The front part of the roof is built up to a height of 33.5 feet; that will block the view of the mechanical equipment from the front elevation. The side walls which are 16 feet in height will need to block the mechanical equipment from view from the side property lines.
  5. Fencing/screening – No fencing is proposed.
  6. Signage – The proposed sign would be 20 feet in height approximately 75 square feet located on the front of the property. The sign cannot be placed in the gas line utility easement or overhang the property line in the front.
  7. General architectural appearance – The building exterior materials are EFIS and glass with the EFIS painted white. An awning will extend around the front and east elevation of the building. The drive-in window will be located on the west elevation and will also include a smaller awning. The front of the building is built up in similar fashion to a 1950s diner/drive-in with the curved fascia, a neon tube trim. There is an ice cream cone attached to the front of the building and is part of the sign. The ice cream cone extends 3½ feet from the front wall of the building. There is other decoration on the front of the building.
  8. Drainage Report and related Grading Report Plans – As generally discussed, the permanent detention area is on the far north end of this property. For this first phase, a temporary sediment trap and detention area will be created immediately north of this lot. This temporary detention area will be relocated when the next project is built. The temporary detention and sediment trap does have the advantage of effectively dealing with soil that may inadvertently collect in the detention area.
  9. Refuse facilities – The dumpster enclosure is located on the north side of the property and provides for the concrete approach necessary.
  10. Sensitive borders – There are no direct sensitive borders with this property and adjacent single family. The property to the west is developed as Legacy Woods Apartments, “C-3” High Density Multi-Family apartments.
  11. Street paving and access management – Second Street is improved to City standard currently. Sidewalks will be required along Second Street.
  12. Title 21 Water and Sanitary Sewer Plans – Water is available along Second Street and sewer will be extended from the north for service. An off-site easement will be needed.

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Engineer Ernie Isch indicated they exceed the plant units after working with the landscape department. The sign would comply with the city code at 72 square feet, 20 feet tall placed between the gas easement and the right-of-way. Brick is also being added to a portion of the side walls of the building. Commissioner Moore thanked Mr. Isch for continuing to work on this project from the first submittal.

Motion by Moore, seconded by Moyer, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moore, Moyer, Waner, Thrash and Chairperson Cartwright

NAYS: None

The next item on the agenda was **Case #PR050014 Consideration of Final Plat on the Raspberry Park Addition located on the north side of East Second Street, one-quarter mile east of Bryant.**

Earnest Isch is representing the owner in requesting approval of a 1.55 acre Final Plat for a portion of the entire area owned by Mr. Sadeghy. This parcel is planned for a Freddy's Frozen Custard. The lot dimensions are 164.81 feet by 419.70 feet. This property is located immediately east of Legacy Woods Apartments across from the entrance to the Oxford Oaks Apartments and the car wash on the south side of Second Street. The east side of the property, 27.5 feet in width, will be a common driveway used by Freddy's Frozen Custard and other uses further north built sometime in the future. This 27.5 foot width is also a cross access easement, utility easement and drainage easement. There will be one driveway serving this entire 4.9 acre tract. There will be a turn around adequate for a sanitation truck and fire trucks at the north end of the project along with a drainage detention area.

Motion by Moyer, seconded by Thrash, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moyer, Thrash, Waner, Moore and Chairperson Cartwright

NAYS: None

The next item on the agenda was **Case #ES050003 Public Hearing and Consideration of partial utility easement closing on Lot 12, Block 1, Silvercloud Estates 2<sup>nd</sup> Addition 1825 Mission Road. (Joe Schovanec)**

Mr. Joe Schovanec owns the property at 1825 Mission Dr. and is building a new house in the Silver Cloud Estates addition generally located west of Coltrane, north of Danforth and south of Coffee Creek Road. Mr. Schovanec lives at 1616 Mission Drive just down the street. The single-family house has been constructed approximately 7 feet into the 15 feet wide utility easement on the north side of the lot. There is a sanitary sewer line in the easement and under a portion of the house. Only the portion of the easement where the house encroaches is being closed. The City will have a majority of the 15-foot wide

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easement to work in after the sewer line is relocated. Other improvements in the easement include a retaining wall that Mr. Schovanec will move and he will relocate the sanitary sewer line and manholes at 100% of his cost. Southwestern Bell Corporation has identified a cable also located in this easement and objects to closing any portion of the easement until the relocation of this cable is addressed. The adjoining property owner Les Allan will not need to grant an additional easement, but his fence will need to be relocated and that can be the responsibility of Mr. Schovanec. Property owners within 300 feet have been notified of this request and a notice has been published in the newspaper as required. Private utility companies have also been notified. SBC Telephone has objected to the closing and Mr. Schovanec has been informed of that objection. The construction of the sanitary sewer line is the main utility that needs to be relocated and is less flexible than most utilities because of the straight alignment required and the manhole placement. The sewer needs to be relocated first and then the telephone cable. The cost of that relocation will be Mr. Schovanec's responsibility.

The Engineering Department has reviewed this location on site and is willing to accept the closing of 7 feet of the easement following the outline of the house and roofline that encroaches in to the easement. This is subject to Mr. Schovanec relocation all of the sanitary sewer lines, manholes and the telephone cable to the City's approval. The issues of the retaining wall and fence on the Allan property will need to be resolved between Mr. Schovanec and the Allan family. The City will also need to confirm with SBC that arrangements have been made by Mr. Schovanec to relocate the existing cable in the 15-foot utility easement.

Commissioner Moyer asked the question how this situation occurred. Staff indicated that the building permit was issued partly in the easement but the owner moved the house further into the easement making the situation a 7 foot encroachment. The building permit request did not indicate the easement width.

Motion by Waner, seconded by Thrash, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Waner, Thrash, Moore, Moyer and Chairperson Cartwright

NAYS: None

The next item on the agenda was **Case #PR050020 Public Hearing and Consideration of Preliminary Plat for Autumn Ridge Addition located north of Covell Road, ½ mile east of Bryant. (Timber Ridge LLC)**

This item was continued to August 22ne at request of applicant.

The next item on the agenda was **Case #SP040049 Public Hearing and Consideration of revised Commercial Site Plan approval for an Intrust Bank located on the northeast corner of Kelly Avenue and West 15<sup>th</sup> Street. (Intrust**

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**Bank, N.A.)**

While these changes are minor in the staff’s opinion, some of the details of construction are different and the staff felt it was best to send it back to the Planning Commission and City Council.

General Site Criteria:

Existing zoning – “E-3” Restricted Light Industrial District.

Setbacks – The building will be set back 161 feet from the centerline of 15th Street and 146 feet from the centerline of Kelly Avenue. The canopy will be set back 28 feet from the east property line. The building will be set back 88 feet from the north property line.

Height of building – 21 feet. The original clock tower is being omitted from the proposal.

This is one of the changes.

Parking – 27 spaces provided, 1 for every 200 square feet at 5,407 square feet

Lot size – 103,000 square feet

1. Landscape Plan

Landscaping - <u>Lot area = 103,000 sf</u>	<u>Landscape provided on plans submitted</u>
Ten per cent of lot = 10,300 sf	23,434sf landscaping/lawn area
Plant units required = 831 plants	831 plant units
Required in front yard = 5,150 sf	21,000 sf in front yard
Evergreen required = 332 plants	426 plant units

2. Lighting Plan – 22 ½ foot overall height, 20 foot pole on a 2 ½ foot base

3. Driveways/Parking – A drive will be located on 15<sup>th</sup> Street near the site’s southeast corner. Another drive will be located on Kelly Avenue near the site’s northwest corner. Concrete sidewalks with handicap ramps must be provided in the right of way adjacent to 15th Street and Kelly Avenue.

4. Mechanical equipment – The mechanical equipment will be located on a concrete pad on the east side of the building. No mechanical equipment on the roof.

5. Fencing/screening – No sight proof fencing is required.

6. Signage – The bank would like to have 2 ground signs, one on the north end near the driveway on Kelly and one on the east end of the drive on 15<sup>th</sup> Street. The signs would be 6 foot tall, 42 square foot each with a brick base matching the building.

7. General architectural appearance – The proposed one story building will contain 5,407 square feet. The building will have a pitch roof including the drive-through. The exterior of the building will have a brick veneer on all elevations with accents of EIFS and cast stone. A canopy covered drive thru for five lanes including an ATM will be located on the east side of the structure. The drive-through has been moved from the east side of the building to the north side of the building. The traffic flow is the same with cars exiting on Kelly.

8. Drainage Report and related Grading Report Plans – Plans have been approved by Engineering.

9. Refuse facilities – The dumpster enclosure will be located in the parking lot near the southeast corner of the site. The exterior will match the building.

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10. Sensitive borders – Not adjacent to single family residential. The surrounding undeveloped property on the north and east is zoned “E-3” Restricted Light Industrial District. The developed area to the south is zoned “E-2” Open Display Commercial District. The property to the southwest is zoned “E-3” and the northwest corner of the intersection is zoned “D-2” Neighborhood Commercial District.
11. Water and Sanitary Sewer Plans – The project will connect to city water and sanitary sewer.

Motion by Moyer, seconded by Thrash, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moyer, Thrash, Moore, Waner and Chairperson Cartwright  
NAYS: None

The next item on the agenda was **Consideration of request by Larry Rhoads for the Planning Commission to consider an amendment to Title 22 Zoning Code to add bed and breakfast as a use permitted in the “D-1” Restricted Commercial District. (Larry Rhoads)**

Mr. Larry Rhoads operates Inspirations Gifts Décor and Tea Room at 2118 W. Edmond Road. This building does have a large room available for banquets and receptions. This area in the building is now being used as office space. The offices are planning to move and Mr. Rhoads would like to remodel the building with approximately five bed and breakfast rooms. Mr. Rhoads has already discussed the addition of a deck on the back of the building especially in regard to the flood plane and detention requirements previously approved for this location. The building has a fire sprinkler system and there is adequate parking for both the restaurant and a potential bed and breakfast.

Mr. Rhoads is requesting the Planning Commission recommend to the City Council that the current D-1 Restricted Commercial District be amended to add bed and breakfast as a use permitted. No multifamily uses would be allowed, just the commercial use of a bed and breakfast. Requirements for the number of parking spaces, and all the building code, fire code and ADA requirements would apply. Most of the D-1 locations that are not in the appropriate setting would not be likely candidates for this use; an example would be most of the shopping centers zoned D-1. The Inspirations Gift Décor and Tea Room is located adjacent to a creek area with significant trees and other open space where the bed and breakfast could represent a natural addition to the business. The staff feels that adding the bed and breakfast to the D-1 district adds a similar use to the current D-1 use and would not act to expand the character of the district. No multifamily would be appropriate in D-1. Current uses in D-1 could include 24-hour pharmacy, restaurants to include outdoor dining, ice-cream store to include drive through and hardware store.



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Commissioner Moyer indicated he could support a bed and breakfast in "D-1" as a Special Use Permit but not as a use permitted by right. It was noted that a definition may be needed and a limit to the number of rooms since the idea was to operate these as businesses rather than a form of multi-family housing such as rooming houses or apartments. All of the other Commissioners agreed that a Special Use Permit amendment to "D-1" was the best approach. Mr. Rhoads indicated he had generally talked with the Fire and Engineering Departments and it was possible to add the deck and convert the area for 5 rooms. Mr. Rhoads indicated that the tree area also floodplain on the south side of the property could be set out as conservation easement as permanent open space.

Motion by Waner, seconded by Moore, to approve this request to recommend "D-1" be amended to add a Special Use Permit for bed and breakfast. It was noted that the item would be back to the Planning Commission if supported by the City Council with the actual ordinance. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Waner, Moore, Moyer, Thrash and Chairperson Cartwright

NAYS: None

The next item on the agenda was **Consideration of request by Jim Daves for deed certification of commercial property located south of 7<sup>th</sup> Street west of Kelly Avenue. (Jim Daves)**

Mr. Jim Daves representing Benson Park L.L.C. is requesting deed approval for property south of 7<sup>th</sup> street, west of Kelly Avenue. The existing convenience store on the southwest corner of 7<sup>th</sup> and Kelly would be divided into a 37,928 square foot lots shown as tract 2. The lot is generally 195 feet by 196 feet .The access to this lot would not be changed with drives on 7<sup>th</sup> and Kelly. The convenience store contains 6,426 square feet. This lot is adjacent to water and sanitary sewer. Tract 1 would be the new undeveloped lot containing 49,028 square feet or 1.125 acres. This lot is generally 250 feet by 196 feet. It has access only by 7<sup>th</sup> street. The property is zoned D-1 Restricted Commercial. The lot would have to be platted prior to a building permit being issued as required by Title 21 Subdivisions. City water and sewer are available along 7<sup>th</sup> street. A utility easement may be needed across this lot along the west property line and that would most likely be part of the platting discussion of this property. The staff recommends approval on both of these deeds.

Motion by Moore, seconded by Thrash, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moore, Thrash, Moyer, Waner and Chairperson Cartwright

NAYS: None

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The next item on the agenda was **Case #SP040001 Public Hearing and Consideration of landscaping modification for Sam's Auto Wash Express on East Second west of Katie Michelle Boulevard 3612 E. 2<sup>nd</sup> Street. (Terry Baumaster)**

This item was withdrawn by the applicant.

There was no New Business.

Motion by Moyer, seconded by Moore, to adjourn. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moyer, Moore, Waner, Thrash and Chairperson Cartwright

NAYS: None

Meeting adjourned at 6:30 p.m.

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Leroy Cartwright, Chairperson  
Edmond Planning Commission

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Robert Schiermeyer, Secretary  
Edmond Planning Commission